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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,134	03/24/2004	Fredrick B. Jenne	5298-17100 SMS03003	7719
35617	7590	09/18/2006	EXAMINER	
DAFFER MCDANEIL LLP			LE, THONG QUOC	
P.O. BOX 684908			ART UNIT	
AUSTIN, TX 78768			PAPER NUMBER	
			2827	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/809,134	Applicant(s) JENNE ET AL.	
	Examiner Thong Q. Le	Art Unit 2827	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 7-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 is/are allowed.
- 6) ☒ Claim(s) 1,3,8,9,13 and 19 is/are rejected.
- 7) ☒ Claim(s) 4,7,10-12,14-18,20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Amendment filed on 06/29/2006 has been entered.
2. Claims 1, 3-4, 7-27 are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3-4, 7-27 have been considered but are moot in view of the new ground(s) of rejection.

Since the scope of claimed invention is changed (claim 1). This action is made Final.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1,3,8-9,13,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ounadjela et al (U.S. Patent No. 6,798,691).

Regarding claim 1, Ounadjela et al. disclose a magnetic random access memory device (Figure 7), comprising:

an array of magnetic elements (Figure 7, 78);

a plurality of conductive lines (Figure 7, 72,73,75,77) configured to set magnetization states of the magnetic elements (Column 1, lines 20-40); and

circuitry configured to independently vary aspects of current applications (Figure 6, Column 16, lines 11-33) along one or more of the conductive lines (Column 5, lines 10-34), wherein the aspects comprise at least one of:

an amount of current applied to the one or more conductive lines (Column 5, lines 20-30, Figure 6, Column 16, lines 11-33) ; and

a length of time current ( Figures 5, Column 6, lines 54-57) is applied to the one or more conductive lines.

Regarding claim 3, Ounadjela et al. disclose wherein the circuitry is configured to vary the amount of current with respect to the direction along which the current is applied (Figures 5, Column 5, lines 20-35, lines 43-53).

Regarding claim 8, Ounadjela et al. disclose wherein the circuitry is configured to vary current applications for write operations of the magnetic random access memory device (Column 1, lines 57-67, Column 2, lines 1-13, lines 59-67).

Regarding claim 9, Ounadjela et al. disclose wherein the circuitry is configured to vary current applications for read operations of the magnetic random access memory device (Column 2, lines 1-13, column 8, lines 15-26).

Regarding claim 13, Ounadjela et al. disclose a device (Figure 7) , comprising: a magnetic random access memory (MRAM) array (Figure 7, 78) ; and a first storage circuit (Figures 3-4) distinct from the MRAM array, wherein the first storage circuit comprises one or more magnetic elements (Figure 7, 80, Column 22, lines 13-16), and wherein the first storage circuit is configured to store, within the magnetic elements, parameter settings characterizing applications of current to operate the magnetic random access memory array (Column 9, lines 25-50).

Regarding claim 19, Ounadjela et al. disclose a magnetic random access memory device (figure 7), comprising: an array of magnetic elements (Figure 7) ; a plurality of conductive lines configured to set magnetization states of the magnetic elements (Figure 7), 72,75); and circuitry configured to terminate an application of current (Column 21, lines 5-15) along one or more of the conductive lines before magnetization states of one or more magnetic elements selected for a write operation of the device are changed.

#### ***Allowable Subject Matter***

6. Claims 4,7,10-12,14-18,20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4,710-12,14-18,20 include allowable subject matter since the prior art made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed limitations. Ounadjela et al. (U.S. Patent No. 6,798,691), and others, does not teach the claimed invention having wherein the circuitry is configured to vary the amount of current with respect to the temperature of the magnetic random access memory device as claim 2 disclosed, and a bias voltage as claim 10 disclosed, and a power level supplied to the magnetic random access memory device is below a predetermined threshold as claim 11 disclosed, and a reprogrammable non-volatile latch as claim 12 disclosed, and a customer of device as claim 14 disclosed, and testing qualitative features as claims 15 disclosed, and alternative means as claims 16-18 disclosed, and a monitor a voltage level as claim 20 disclosed.

7. Claims 21-27 are allowed.

Claims 21-27 include allowable subject matter since the prior art made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed limitations. Ounadjela et al. (U.S. Patent No. 6,798,691), and others, does not teach the claimed invention having a monitoring current levels supplied from a power source, and determining a write pulse amplitude for magnetic junction based on a difference between a current level measured during the step of writing and a current level measured not during the step of writing.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Le whose telephone number is 571-272-1783. The examiner can normally be reached on 8:00am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarabian Amir can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2827

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Q. Le  
Primary Examiner  
Art Unit 2827



9/06/2006